

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-216356**DATE:** September 24, 1984**MATTER OF:** South Bend Lathe, Inc.**DIGEST:**

Where a potential protester fails to diligently seek information that would form the basis for its protest, such as by not requesting a debriefing or other procurement information, GAO will dismiss ultimately-filed protest as untimely.

South Bend Lathe, Inc. protests the award of a contract by the Department of the Air Force to American Machine Tool Company under request for proposals No. FD2060-84-52454. South Bend believes that various improprieties may have occurred during the selection process and requests our Office to review all applicable documents to insure that the procurement was properly conducted and that the successful proposal strictly complied with the requirements of the solicitation. We dismiss the protest.

South Bend's submission to our Office indicates that the Air Force announced the award of the contract to American Machine on July 27, 1984. Despite South Bend's apparent suspicions about the propriety of the procurement process, South Bend has not requested a debriefing from the Air Force and has not otherwise attempted to obtain additional information from the agency since the award announcement. South Bend's protest to our Office was received on September 10.

Our Bid Protest Procedures, 4 C.F.R. § 21.2 (1984), require protests to be filed within 10 working days after the basis for them is known or should have been known. Further, a protester must diligently pursue the information that forms the basis of a protest, and if it does not do so within a reasonable time, our Office will dismiss an ultimately-filed protest as untimely. See Entron, Inc., B-202397, Aug. 12, 1981, 81-2 CPD ¶ 128.

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We do not consider South Bend's protest to be timely. The firm waited more than 1 month after announcement of the award to American Machine before filing a protest with our Office, and without seeking a debriefing or requesting procurement information from the Air Force. It is clear that South Bend either knew the basis of its protest at the time of award and did not file its protest within 10 days thereafter or failed to diligently pursue the matter within a reasonable time after the award announcement. See Mitek Systems, Inc., B-208786, Sept. 24, 1982, 82-2 CPD ¶ 274.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel